Great Britain to do so. They guaranteed freedom and rights to the citizens of Hong Kong. But we have watched in 2019 and 2020 as the Chinese Government has systematically dismantled the political rights of those in Hong Kong, working to silence any form of dissent, to silence any voice of opinion that might disagree with that of the Chinese Government. Demonstrators are beaten with batons and tear-gassed and pepper-sprayed and shot for asserting basic human rights—rights they were guaranteed when Hong Kong was reclaimed by China.

It fills me with dismay and rage at what the citizens of Hong Kong have lost under this oppression. This time last year, the Hong Kong people were still protesting and fighting for their freedom. Hundreds of thousands gathered, watching as messages of support for their cause came in from around the world and played out on giant screens. There was a feeling of hope.

But that hope lies shattered in the streets of Hong Kong today. Today, China has used the heavy hand of the national security law to ensure that only patriots loyal to Beijing can hold positions of power. They have crushed the hope. They have destroyed the freedom. They have destroyed the political rights of the 7.5 million citizens of Hong Kong.

Rarely in the history of the world have so many people been together celebrating their elections, celebrating their free speeches, and seen it crushed in such short order.

It is in this context that China is hosting the February Winter Olympic Games of 2022. And we, the free world, standing up for the rights of every individual to exercise the fundamental freedoms and the equal and inalienable right of the U.N. Declaration of Human Rights that we are all born with, must speak out against these actions.

None of what China is doing is a major surprise because it has unfolded in such a systematic way now for so many years. China engaged in a campaign of controlling its citizens and silencing dissent, including silencing dissent within its borders. Human rights organizations have long and well documented the abuses.

This picture is of Chang Weiping, a Chinese lawyer who the government says was detained for allegedly inciting subversion of state power because he participated in a protest. After he was released on bail, Chang released a video statement describing the physical and psychological torture that he experienced while being detained. So authorities arrested him again and charged him with subverting state power. He is now one of those heroes who have stood up for the freedom of all the people of Hong Kong, and he is being held by the Chinese Government for standing up and speaking out for what is right.

It is not only lawyers and advocates who are detained when they speak out against the Government in China; it is also a three-time Chinese Olympic tennis star who disappeared from the public eye after accusing a party official of sexual assault.

''Where is Tennis Star Peng Shuai?'' The International Olympic Committee says that she is safe and well after two video calls with the Olympian. Critics say these calls and emails supposedly from her and videos of her dining in a restaurant are ''obviously staged'' by the Chinese Government to counter criticism. Where is she really? Is she OK? Nobody but the Chinese Government can say for sure.

The International Olympic Committee, as an organization whose mission, according to its own president, Thomas Bach, ''to put sport at the service of humanity goes hand-in-hand with human rights''—those are the very words of the president of the IOC. An organization that puts sport at the service of humanity and goes hand in hand with human rights should be, like the Women's Tennis Association, refusing to hold events in China until human rights are honored. I give great, great compliments to the WTA for standing up for this abuse of one of their own and more broadly the abuse we see throughout China.

I am thrilled with the administration's announcement of a diplomatic boycott of the 2022 Winter Olympics. I am thrilled that Great Britain and Canada and Australia and Lithuania have joined in this effort. But I say to you right now: Where is the rest of the world? Where is France? Where is Germany? Where is Spain? Where are all the governments of the world that believe in the rights of free speech and free assembly? The chorus must be broader. The free world must join together and stand up for the vision of what it means to be in the free world and how horrific abuses would involve genocide or the obliteration of democratic rights.

The International Olympic Committee says: Well, the Games are all about athletes, so we don't get involved in politics. It is all about the athletes.

Well, I tell you today that staging the Games in the shadow of genocide and the stripping of political rights from those in Hong Kong is putting the athletes in the position of helping build the facade that disguises those assaults on human dignity and human rights. That is a horrific thing to do to the athletes of the world. It is an unacceptable thing to do to the athletes of the world. You cannot force the athletes of the world to be complicit in covering up these crimes. It is wrong, and the Olympic Committee needs to stand up and call out these crimes and know that they are not in keeping with the Olympic spirit. They are not in keeping with human rights, although the president of the IOC has said that is their mission.

It is quite clear the Olympic Committee could have done far more to avert this situation because when the Games were awarded, they received promises on human rights—promises that were not honored. They could have moved the Games years ago. They could have clarified that would happen, but they did nothing. They did nothing except help cover up the genocide in China by leaving the Games as they are and failing to note or criticize or observe the horror that has been unfolding.

Business as usual is unacceptable in the face of genocide. Business as usual is immoral in the face of genocide. Business as usual in any dimension in a country committing crimes against humanity is just wrong.

I say to the IOC today: Stand up. Call out this crime and say never again will you ever stage Olympic Games in a country committing gross violations of human rights.

That statement would be in keeping with the Olympic spirit. It would be in keeping with the Olympic spirit to say that they will defend the freedom of every single athlete at the Olympic Games to stand up and speak their mind in defense of the oppressed people of Tibet, in defense of the enslaved people of Xinjiang Province, in defense of the citizens of Hong Kong who have lost their political rights. Lay out clearly before the world that the Olympic Games will not be a place where freedom of speech is crushed as it is being crushed across China.

Colleagues, I think this viewpoint I am expressing today of the world standing up to the horrors of Chinese atrocities is shared by every Member of this Chamber and every Member of the House of Representatives down the hall. Not a one of us would rise to defend these horrific acts, which is why every one of us should stand together today to condemn Chinese genocide and Chinese destruction of political liberties and make sure that these Games are not ones where the world leaders are silenced; that these Games are not ones where the sponsors look the other way; that these Games are not ones where the athletes are not free to express how tragic they consider it to be that these terrible things are happening and need to end. Let us not repeat the mistakes of 1936 and look the other way.

The PRESIDING OFFICER (Ms. DUCKWORTH). The Senator from Iowa.

Mr. GRASSLEY. Madam President, the words I just heard from the Senator from Oregon are very refreshing, and I thank him for making those statements.

Thank you very much.

EAGLES ACT

Madam President, today, I come to the floor to once again talk about the tragic shooting that occurred at Marjory Stoneman Douglas High School in Parkland, FL, now a long time back—February 14, 2018—and the Justice Department's response to it.

Part of my oversight work is to see that the laws are faithfully executed. Before I get to that, I want to express, as we all have done, I am sure, many

times, our condolences to those victims and families of the school shooting in Michigan last month. The shooting was an act of evil, and we ought to pray for the affected victims.

Recently, the Justice Department reached a settlement with the families involved in the Parkland shooting for a reported $130 million. The school shooting was another evil act. It took the lives of 17 innocent students and teachers. Based on reports, the Justice Department settled because the FBI failed to properly investigate tips warning Federal law enforcement personnel about the coming attack that happened on February 14.

This was a concern of mine from the beginning. Even though the Justice Department has settled the matter, the Department hasn't been fully transparent with the Congress on this issue, and they ought to be because this taxpayers' money—however it is used, the public ought to know it. The public's business ought to be public.

I am going to highlight some of the oversight steps that I have taken and how the FBI still hasn't done what they said they need to do.

Two days after the shooting, while I was chairman of the Judiciary Committee, I wrote to the FBI asking about its failure to act on tips that they had received about the dangers that this shooter might cause against the public at large. I also wrote to Google about the threats made in a YouTube comment that the shooter apparently made.

After that, I brought the FBI in to brief the full Judiciary Committee on February 23, 2018. That was just 9 days after the accident happened—the shooting happened. It was not an accident; it was intended. I am sorry I used the word ''accident.'' I did the same thing with Google and Facebook staff to discuss their cooperation with law enforcement.

On March 14, 2018, I led a full committee oversight hearing to hold the Justice Department and the FBI accountable for their failures. In the FBI briefing and at the committee's March 14, 2018, hearing, then-FBI Deputy Director David Bowdich said that the FBI had begun a review of the internal process failures. Those failures related to the intake procedure for call-in tips and what transpired in the Parkland case in regard to those call-in tipoffs.

For months after the hearing, my staff asked for updates regarding the FBI's investigation report. In May 2018, they were told—my staff was told it would be final by approximately mid-June 2018.

On August 27, 2018, I wrote to FBI Director Wray noting that up to this point, ''Committee staff have requested a copy of the report seven times from the FBI.'' Here we are now, 3 years later, 2021, and the FBI still hasn't produced the report to Congress.

Time and again, the Justice Department and the FBI have failed to live up to the standards of transparency required of them. The Parkland shooting and the Department's response to it is another example from a growing list of shortcomings.

Simply put, there is no basis for the Department and the FBI to withhold the Parkland report from Congress, and by withholding it from Congress, they are withholding it from the American people. That is especially true for those families who suffered the tragic loss. Transparency brings accountability, and the more the Department fights that principle, the brighter light will be shined on them.

Going forward, while we can't take back the terrible events of that day, we can and we must take steps to make sure such horrific acts don't ever happen again. That is why earlier this year, along with a bipartisan group of Senators, I introduced a bill that I call the EAGLES Act. It is the EAGLES Act because that is the mascot of the Parkland High School.

The EAGLES Act will help fund and reauthorize the U.S. Secret Service's National Threat Assessment Center. That is where the U.S. Secret Service studies targeted violence and proactively identifies and manages threats before they result in more tragedies. It would also establish a Safe School Initiative to look at school violence prevention and expand research on school violence.

The EAGLES Act is a commonsense bill supported by over 40 State attorneys general and representatives from both sides. In other words, for decades, the Secret Service has been instructing people how to recognize people who may be a threat to the public at large or a threat to themselves so that there can be intervention. So if we do the same thing for people in education—the school teachers, the administrators, other support staff—they could have the same training that the Secret Service gives to other people but not to school people. Then maybe we can have interventions on future school shootings so that they don't happen again.

I ask and encourage all of my Senate colleagues to help pass this bill.

Then, on a shorter version of another subject, I would like to say to my colleagues, last week, all Republican members of the Senate Judiciary Committee sent Attorney General Garland a letter. We said he should withdraw his memo from October 4 that made parents feel like domestic terrorists for going to local school board meetings to express their views on anything that they have a constitutional right to have their express views on, and there is no limit in the Constitution. Also, the members of this Senate Republican minority agreed that true criminal acts should be prosecuted.

Now, unfortunately, the Attorney General is going in the wrong direction. A whistleblower revealed that FBI's Counterterrorism Division is involved in the Department of Justice's effort of intimidation and is keeping track of what goes on at local school board levels, whether it is criminal or not.

This flies in the face of what Attorney General Garland testified to the Judiciary Committee. The Attorney General has insisted to the committee that his instructions to law enforcement have nothing to do with stopping parents from criticizing school boards and that he doesn't think parents are domestic terrorists, but his own FBI doesn't see it that way.

Last week, one of my colleagues on the Judiciary Committee defended the Attorney General and his memo. That member talked about school board members getting angry emails and being threatened. If the facts discussed by my colleague rise to being crimes, they should—they sound like the sort of things local law enforcement can handle just fine on their own. There is no need for FBI involvement or National Security Division involvement, which ought to be involved with strictly terrorism.

But we should all agree that the FBI's Counterterrorism Division should have nothing to do with it. If you are a parent who is upset with how your child's school is being run, you should be able to say so to the very school board making decisions on how that school should be run. But will the FBI's Counterterrorism Division keep a record of what you say at the school board meetings? If so, that ought to concern all of us. I have gotten many letters from constituents worried about this sort of thing.

Mr. Attorney General, parents are not terrorists, not domestic terrorists. You said so yourself; now prove that you mean it. So the simple way to prove it is, call off the FBI's Counterterrorism Division. Withdraw your October 4 memo.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

UNANIMOUS CONSENT REQUEST—S. 1520

Mrs. GILLIBRAND. Madam President, I rise today to once again call for every Senator to have the opportunity to cast their vote on the Military Justice Improvement and Increasing Prevention Act, which was unceremoniously and undemocratically removed from the NDAA behind closed doors.

I started calling for an up-or-down vote on this bill on May 24 because I feared that this would happen and that the NDAA would not do enough to address the epidemic of sexual violence and serious crimes in the U.S. military. Now that we have seen the text, it is clear that those fears were well-founded.

Committee leadership has overridden the will of a filibuster-proof majority in the Senate and a majority of the House, who called for real reform that would have moved serious crimes to independent military prosecutors. Instead, committee leadership has codified the status quo, leaving commanders as the convening authority—

even in sex crimes cases. That is the same system that everyone supposedly agreed is failing our servicemembers. Unfortunately, this does not fix the issue of convening authority, which was the singular ask from the survivor community.

The NDAA does not make the necessary changes to the military justice system. The change we must make—the change that survivors and veterans have asked for—is to remove all serious nonmilitary crimes from the chain of command. Commanders are not lawyers or judges, and they don't have training or expertise necessary to make those complex legal decisions.

Our servicemembers have told us that they do not trust commanders to be unbiased or to deliver real justice in cases where they know the survivor or the accused.

Although I have heard from my colleagues saying otherwise, the NDAA does not remove sex crimes or any other serious crimes from the chain of command. And I want to be clear about this because the American people and our servicemembers deserve to know the truth. The NDAA keeps the commander as the convening authority. Every single court-martial will still begin with the words: ''This court-martial was convened by order of the commander.''

It tells you everything you need to know.

The NDAA also continues to offer commanders the ability to choose the members of the jury panel. I want to address this point specifically because I have heard a few misleading statements about jury selection.

The NDAA allows a commander who is creating the court-martial to handpick other members of his command to be the jury pool from which the jury will be formed. Our bill, on the other hand, would put this responsibility in the hands of an independent attorney without a stake in the outcome.

Unlike what some who lack an understanding of the UCMJ have said, under our bill, the independent prosecutor is not the same person as the independent convening authority. Those are two separate military attorneys.

Don Christensen, president of Protect Our Defenders, said about the NDAA that ''because commanders retain convening authority and associated powers such as selecting jury court members, commanders will still wield significant influence over the court-martial proceeding. Such influence erodes the independence of the special victims' prosecutor and fails to address the concerns of the survivor community that conflicted commanders still have too much influence over the military justice process.''

The command influence does not stop with jury selection. The NDAA also allows commanders to oversee the preliminary inquiry. It retains commanders' ability to order depositions and to order warrants of attachment. It continues to allow commanders to grant immunity and to approve delays. It retains commanders' power to determine the incapacity of the accused and to select witnesses. It allows commanders to approve of findings and sentences and to order the reconsideration of ambiguous sentences. It also allows the commanders to grant clemency and to allow the accused to separate from the service instead of facing a court-martial—fully eluding the justice system.

Anyone who looks at the system sees a system where the commander is still in charge, where their influence cannot be overlooked. There is no way for the prosecutors to be or to be seen to be independent under that system. There will be no improvement in trust or, necessarily, in the results.

Today, just one-third of survivors of sexual assault in the military are willing to come out of the shadows to report their crime, showing a clear lack of trust in the current system, but 44 percent of survivors indicate that they would have been more likely to come forward if the prosecutor were in charge of the decision over whether to move forward with their case.

The Military Justice Improvement and Increasing Prevention Act is the only provision that would empower impartial, independent prosecutors to make the vital decisions necessary for a criminal justice system shielded from systemic command influence, while allowing commanders to focus on what they do best: warfighting, training troops.

I want to share the words of Retired Navy LT Paula Coughlin, a survivor who brought the Tailhook Symposium scandal to light 30 years ago. She said:

''The efforts to gut reform are unacceptable to the survivor community and must be rejected. If this effort succeeds, it will be a slap in the face to those who have put it all on the line this past decade.''

Those survivors and the majority of my colleagues here in the Senate who support real reform deserve to have their voices heard.

As if in legislative session, I ask unanimous consent that at a time to be determined by the majority leader in consultation with the Republican leader, the Senate Armed Services Committee be discharged from further consideration of S. 1520 and the Senate proceed to its consideration; that there be 2 hours of debate equally divided in the usual form; and that upon the use or yielding back of such time, the Senate vote on the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Madam President, reserving my right to object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, on military justice reform, I am pleased that the NDAA that we will consider this week will enact sweeping and historic reform that changes how sexual assault and other offenses are investigated and prosecuted in the Armed Forces. This bipartisan, bicameral compromise was achieved after tough negotiations with the House and also with the administration. The House voted last week 363 to 70 to pass this bill with these reforms—an overwhelming endorsement of the work that we do. I look forward to a similar, strong vote in the Senate this week, sending these reforms to the President of the United States.

As you know, there have been many proposals for improving how the military prosecutes sexual assault and other crimes, from Senators, Representatives, from the administration, and from other organizations, all of them with their unique merits. Bringing all this together was difficult and complicated, but I believe we have done so effectively.

Our bill removes all meaningful prosecutorial authority from the military chain of command for the series of sexual assault offenses under the UCMJ, as well as for other offenses, including the wrongful distribution of intimate visual images, domestic violence, stalking, retaliation, murder, manslaughter, kidnapping, and child pornography.

Our bill creates special trial counsel, who are highly specialized, independent prosecutors outside the chain of command of the victims and the accused. They will have exclusive, binding, and final decision-making authority over whether to prosecute these crimes.

Under our bill, no commander will be able to overrule the binding decision of a special trial counsel to prosecute or not prosecute a case. Similarly, our bill ensures that the special trial counsel have the exclusive authority to withdraw or dismiss charges or specifications, removing that power from commanders.

Finally, our bill will make a large number of necessary and conforming amendments to the UCMJ to effectuate this reform, and I am sure there will be need for more of this during the 2-year implementation period.

The bottom line is that the reforms contained in this bill represent a sea change in military justice. At the end of the day, this NDAA will enact the most sweeping reform to the UCMJ in decades, and that is why Protect Our Defenders—probably one of the most effective and vocal organizations founded on the premise of defending the rights of victims of sexual assault—said: ''The provisions included in this year's NDAA are the most transformative military justice reforms in our Nation's history.''

Madam President, having made that statement, I will object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New York.

Mrs. GILLIBRAND. I would like to thank the chairman for his steadfast work on trying to find common ground

here, but I disagree that ''all meaningful prosecutorial'' actions have been taken away from the commander. These are the actions that still rest with the commander, and these are meaningful: granting clemency, highly meaningful; grant sentencing witnesses, highly meaningful; granting immunity, highly meaningful; ordering depositions, highly meaningful; preliminary inquiries, highly meaningful; separation authority, highly meaningful. These are things that are essential to the prosecution of any case, and so if the prosecutor doesn't have the right to do these things, it means the prosecutor has to go ask the commander: May I do these things? May I call this witness? May I have approval for a witness at sentencing? May I have approval for this preliminary inquiry?

That request alone sends the signal to survivors and to servicemembers that the chain of command is still in charge; that that independent prosecutor, while the language of the bill sounds really good—they are independent and their decision is binding, wonderful. The perception of servicemembers who understand the weight of convening authority, they know what the words ''convening authority'' mean; they know what the command ability and importance is.

They may not receive these changes and these reforms in the way the chairman believes them to be seen. They may not see them as the ''most transformative reforms'' that have ever happened because if they still perceive the chain of command in charge, it may not dent their willingness to report these crimes. They may not have now the ability to report and to have a belief that they can have faith in this system.

And so my question to the chairman is, Why didn't we take the extra step to do the one thing that we have been trying to do for 8 years, which was to make these prosecutors, these independent, specialized prosecutors—which is what we have been fighting for, for 8 years—truly independent and give them all the authority the convening authority had?

The only change they would have had to make is the designation of ''convening authority'' would go from the commander to these new, independent, trained prosecutors. It is a simple change. It is a change we have begged for from the survivor community, from the veterans organizations, from Protect Our Defenders, the best and most effective vocal organization, per the chairman. We have asked for that one change—to be denied by this conference committee of four men in a closed room making the decision themselves.

And for the chairman to get up and say that having such an overwhelming vote by the House of Representatives just shows how right they are, well, then why does 220 cosponsors in the House mean nothing? Why does 66 sponsors in the Senate mean nothing? Why does the endorsement of every veterans group in America mean nothing? Why does the support of 29 attorneys general mean nothing? That is my question.

And it is such a small thing.

So, yes, having an independent, trained military prosecutor outside the chain of command whose decision is binding sounds amazing. That is what we have been fighting for. Why not make it really independent? Why not take the convening authority and give it to the independent, trained military prosecutor?

And, sadly, the answer is the DOD does not want to change the status quo. They don't want to make these changes, and so what they are willing to do is they are willing to put a great label on it. They are willing to pretend that they are doing the thing that we have asked them to do. They are willing to create the impression that they are doing the thing we asked them to do. But they know what ''convening authority'' means, and they retained it.

And when asked: Please, take the convening authority, give it to the trained military prosecutor; please make a truly independent system, like all these people are asking you to do, they said no. They said no over and over and over again.

And, unfortunately, our chairman did not want to disregard the views of the Department of Defense. And, unfortunately, that is my job, to oversee, to provide oversight and accountability over the Department of Defense, over the executive branch. That is what the Constitution requires this Chamber, this body, this Senate to do. We are not supposed to take our marching orders from the Department of Defense. We are not supposed to do what the generals ask us to do.

We are supposed to look hard and fast at a problem that has plagued our servicemembers who give their lives for this country. We are asked to solve the problem, and we have put forward legislation that has the blessing of 66 Senators and 220 House Members and every veterans organizations that we know of and every single of the 29 attorneys general who have written a letter. We have this breadth of support, but it doesn't matter because it is not what the DOD wants to do.

So, yes, having independent, trained military prosecutors who make decisions outside the chain of command that cannot be changed is definitely a step in the right direction, but it is not the independent review that we asked for because without convening authority, the perception of servicemembers, of survivors, of the men and women this justice system is designed to protect will be that all these rights and privileges sit with the commander and that these are rights and privileges that have value, that have ''meaningful prosecutorial value.''

They are not meaningless, and if they were so meaningless, then you would have given it to independent prosecutors.

That is why I will keep fighting on behalf of survivors. It is why we do not just say we are excited, and we go home. It is why we have not decided this is the moment to celebrate because, for us, it is not because I worry that that percentage of sexual assaults, rapes, and unwanted sexual contact—the 20,000 that are estimated every year—that the percentage of those that will be willing to come forward will not go up and the rate of cases will not go down and the rate of cases that end in conviction will not go up.

So that is my concern. It is why I stand here gravely concerned and very dismayed and very disappointed that we did not take this moment in time to do the right thing on behalf of our servicemembers to have a military justice system that is worthy of their sacrifice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

JUDICIAL NOMINATIONS

Mr. SULLIVAN. Madam President, this week, the Senate is going to take up three Ninth Circuit judges, three Federal judges for the U.S. Court of Appeals for the Ninth Circuit.

And in the process, the Biden administration is going to smash an institutional and constitutional norm between the executive and legislative branches, particularly the executive branch, the White House, and the U.S. Senate that every U.S. Senator—all 100 of us—should be concerned about.

Let me explain. This is a really important issue.

Article II, section 2, of the U.S. Constitution says the following:

> [The President] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States.

Now, that includes Federal circuit court judges,

Throughout this, article II, section 2, provision of the Constitution, it says: ''[W]ith the Advice and Consent of the Senate.'' We are ''of the Senate,'' right here. And this week, we will be voting on three U.S. court of appeals for the Ninth Circuit.

Now, this provision in the Constitution, like so many which gives the U.S. Senate the exclusive right for the advice and consent power, was the result of compromise.

If you look at the history in Federalist Nos. 75 and 76, Alexander Hamilton argued that this provision afforded a necessary means of checks and balances against the executive branch, against the President.

The Constitution—according to the U.S. Senate history that I am quoting from—''also provides that the Senate shall have the power to accept or reject